

**REMARKS/ARGUMENTS**

Claims 1-7, 11-16, and 33-40 remain pending. Claims 1 and 33 have been amended. Claim 60 has been canceled. Reexamination and reconsideration of the amended claims are respectfully requested.

Examiner Interview

Applicants thank the examiner for the courtesy extended to Applicants' undersigned representative in a telephone interview conducted on June 25, 2008. Claims 1, 33, and 60 were discussed, along with U.S. Pat. No. 5,280,312. Final agreement on allowable claim language was not reached, although the examiner indicated that incorporation of the elements of claim 60 into independent claims 1 and 33, along with additional amendments to the claims to clarify that the eye is aligned in the image, should help distinguish the cited art. Applicants have so amended the claims, and respectfully submit that the prior rejections are now moot.

Claims Rejections under 35 U.S.C. § 102

Claims 1-6, and 13 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 5,280,312 in the name Yamada et al. Claim 1 now recites the elements of prior claim 60, so that this rejection is now moot.

Claim Rejections under 35 U.S.C. § 103

Claims 7, 11, 12, and 60 were previously rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamada et al. in view of U.S. Pat. No. 6,685,320 in the name of Hirohara. Claims 14-16 were rejected under § 103(a) as allegedly being unpatentable over Yamada et al. in view of U.S. Patent No. 5,822,446 in the name of Kato. Claims 33-44 were rejected under § 103(a) as allegedly being unpatentable over Yamada et al. in view of Kato, and further in view of Hirohara. Such rejections are traversed in part and overcome in part as follows:

As noted above, claim 1 has been amended to include elements of prior claim 60. Claim 1 of the present application also now positively recites an image of an eye is acquired while the eye is aligned with a fixation target. In the method of claim 1, the eye is determined to be a left eye or a right eye based on the location of the corneal vertex relative to the iris center in the image of the aligned eye. Hence, the methodology now recited by claim 1 is contrary to the methodology described in Yamada et al, which instead describes an eye discrimination circuit based on a distribution of rotation angles of the optical axis of the eye.

Claim 33 has been amended to also incorporate elements related to those of prior dependent claim 60, and specifically that the eye is aligned with a wavefront measurement system by focusing the eye on a fixation target. Claim 60 also recites that an image of the eye is obtained while the eye is aligned with the wavefront measurement system. As the Yamada et al. reference relies on "the distribution of the calculated rotation angle of the optical axis of the eyeball," for discriminating whether an eye is a left eye or a right eye, Applicants respectfully submit that the elements of amended claims 1 and 33 are contrary to the disclosure of the cited reference. [See Yamada et al., Col. 7, lines 61-66]

Applicants respectfully submit that the Hirohara and Kato references fail to make up for the deficiencies of the Yamada et al. reference, as neither reference remotely discloses any methodology for determining whether an eye is a left eye or a right eye from an image of the eye obtained while the eye is aligned, for example, with a fixation target. Therefore, independent claims 1 and claim 33 are allowable over the cited art. Similarly, all of the dependent claims that depend from these amended independent claims are allowable over the cited art.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/784,481

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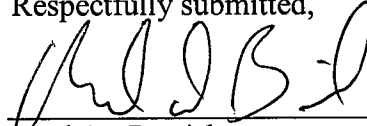
Amendment After Final dated **July 28, 2008**

Amendment under 37 CFR 1.116 - Expedited Procedure

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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